

# MINUTE ORDER

CASE NUMBER: 1:25-cv-00020-LEK-WRP

CASE NAME: Harley Marine Financing, LLC v. 51,000 Barrels of Ethanol

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JUDGE: Leslie E. Kobayashi

DATE: 1/31/2025

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COURT ACTION: EO: ORDER DENYING, WITHOUT PREJUDICE, PLAINTIFF'S EX PARTE MOTION FOR ORDER AUTHORIZING ISSUANCE OF WARRANT FOR MARITIME ARREST AND PLAINTIFF'S EX PARTE MOTION FOR ORDER APPOINTING SUBSTITUTE CUSTODIAN AND PROVIDING FOR CUSTODIA LEGIS EXPENSES AFTER ARREST

On January 16, 2025, Plaintiff Harley Marine Financing, LLC ("Plaintiff") filed a Verified Complaint ("Complaint") against 51,000 Barrels of Ethanol, *in rem*. [Dkt. no. 1.] On January 22, 2025, Aloha Petroleum LLC ("Aloha Petroleum") filed a Motion to Intervene as of Right ("Motion to Intervene"). [Dkt. no. 11.] The Motion to Intervene is currently pending before the magistrate judge.

On January 30, 2025, Plaintiff filed an Ex Parte Motion for Order Authorizing Issuance of Warrant for Maritime Arrest ("Motion for Arrest") and an Ex Parte Motion for Order Appointing Substitute Custodian and Providing for Custodia Legis Expenses after Arrest ("Motion for Custodian"). [Dkt. nos. 20, 21.] On January 30, 2025, Aloha Petroleum filed a memorandum in opposition to the Motion for Custodian and a memorandum in opposition to the Motion for Arrest. [Dkt. nos. 22, 23.]

The Motion for Arrest and the Motion for Custodian are DENIED WITHOUT PREJUDICE to the refiling of those motions after the magistrate judge rules on the Motion to Intervene. If Aloha Petroleum is permitted to intervene, this Court will consider the refiled Motion for Arrest and the refiled Motion for Custodian after full briefing. In other words, Plaintiff may not refile the motions ex parte.

IT IS SO ORDERED.

Submitted by: Carla Cortez, Courtroom Manager